



**US Army Corps
of Engineers®**
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: May 23, 2006

Comment Period Ends: June 22, 2006

File Number: NAE-2006-1503

In Reply Refer To: Stephen D. DiLorenzo

The District Engineer has received a permit application from the applicant below to conduct work in waters of the United States as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

Shannon and Kathy Tillman
7 Lawn Avenue
Warwick, Rhode Island 02888

ACTIVITY

To perform new dredging and disposing of those sediments at the State managed CAD cell. A detailed description and plans of the applicant's activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Pawtuxet Cove across from 7 Lawn Avenue, Warwick, Rhode Island. The site is located on the USGS PROVIDENCE, EAST PROVIDENCE, BRISTOL and EAST GREENWICH RI quadrangle sheets at the coordinates 41-45'-39.5" N and 71-23'-18.45" W.

AUTHORITY

Permits are required pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899

☒ Section 404 of the Clean Water Act

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess

impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Stephen D. DiLorenzo, Senior Project Manager, at (978) 318-8373, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 4,300 SF of Essential Fish Habitat (EFH) for species and life stages shown on the attached sheets 6-8. Habitat at this site can be described as mud, sand and silt. Loss of this habitat may adversely affect species shown on the attached sheets 6-8. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged sediment disposal is proposed for the State manager CAD cells located in the upper reach of the Providence River in Providence, Rhode Island. Disposal will impact approximately 5,000 SF of an area within the authorized dumpsite. The substrate Habitat at this site can be described as silt/clays to sand. Loss of this habitat may adversely affect the habitat for species shown on sheets 6-8. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is

based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officers.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

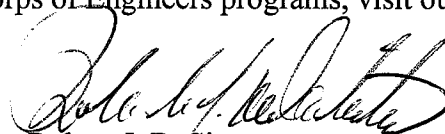
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

The following authorizations have been applied for, or have been, or will be obtained:

- (x) Permit, License or Assent from State.
- () Permit from Local Wetland Agency or Conservation Commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.



Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

PROPOSED WORK AND PURPOSE

The project includes dredging an area approximately 4300 square feet in size to a depth of -6' mean low water. Approximately 330 cubic yards of sediment will be removed from Pawtuxet Cove, Warwick, Rhode Island with disposal of those sediments into the State managed CAD cells located in the upper reach of the Providence River, Providence, Rhode Island.

The work is described on the enclosed plans entitled "SHANNON & KATHY TILLMAN, 7 LAWN AVENUE, WARWICK, RHODE ISLAND 02888", on 10 sheets, and dated "April 7, 2006".

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 50.0' N	71° 20.0' W	41° 40.0' N	71° 30.0' W

Square Description (i.e. habitat, landmarks, coastline markers): The waters within the square within the Providence River, within Narragansett Bay, affecting all cities, towns, and features within or adjacent to it, from Nayatt Pt. and south of Nayatt, RI., north, as well as from Warwick Pt. north. Also, these waters affect within and around Pawtuxet Cove.

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
haddock (<i>Melanogrammus aeglefinus</i>)		S			
red hake (<i>Urophycis chuss</i>)		S	S	S	S
redfish (<i>Sebastes fasciatus</i>)	n/a				
winter flounder (<i>Pleuronectes americanus</i>)	M,S	M,S	M,S	M,S	M,S
windowpane flounder (<i>Scopthalmus aquosus</i>)	M,S	M,S	M,S	M,S	M,S
American plaice (<i>Hippoglossoides platessoides</i>)		S	M,S	M,S	
Atlantic sea herring (<i>Clupea harengus</i>)		S	M,S	M,S	
bluefish (<i>Pomatomus saltatrix</i>)			M,S	M,S	
long finned squid (<i>Loligo pealei</i>)	n/a	n/a	M, S	M, S	
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a	M, S	M, S	
Atlantic butterfish (<i>Peprilus triacanthus</i>)		M, S	M, S	M, S	
Atlantic mackerel (<i>Scomber scombrus</i>)	S	S	S	S	
summer flounder (<i>Paralichthys dentatus</i>)		F,M,S	M,S	S	

scup (<i>Stenotomus chrysops</i>)	S	S	M,S	M,S	
black sea bass (<i>Centropristus striata</i>)			S	S	
surf clam (<i>Spisula solidissima</i>)	n/a	n/a			
ocean quahog (<i>Artica islandica</i>)	n/a	n/a			
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a			
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X	
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X	
cobia (<i>Rachycentron canadum</i>)	X	X	X	X	
little skate (<i>Raja erinacea</i>)			X	X	
Winter skate (<i>Raja ocellata</i>)			X	X	

Definitions

The tables are fairly straightforward, but the following definitions will help clarify exactly what each summary shows:

10 Minute Square Tables

The notation "X" in a table indicates that EFH has been designated within the square for a given species and life stage.

The notation "n/a" in the tables indicates some of the species either have no data available on the designated lifestages, or those lifestages are not present in the species' reproductive cycle. These species are:

- redbfish, which have no eggs (larvae born already hatched);
- long finned squid, short finned squid, surf clam, and ocean quahog which are referred to as pre-recruits and recruits (this corresponds with juveniles and adults in the tables);
- spiny dogfish, which have no eggs or larvae (juveniles born live);
- scup and black sea bass, for which there is insufficient data for the life stages listed, and no EFH designation has been made as of yet (some estuary data is available for all the life stages of these species, and some of the estuary squares will reflect this)

The Highly Migratory Species' life stages that are summarized within the squares are broken down into neonates, juveniles, and adults. For these species there are no 'egg' designations, and neonates correspond to the heading larvae within each summary table.

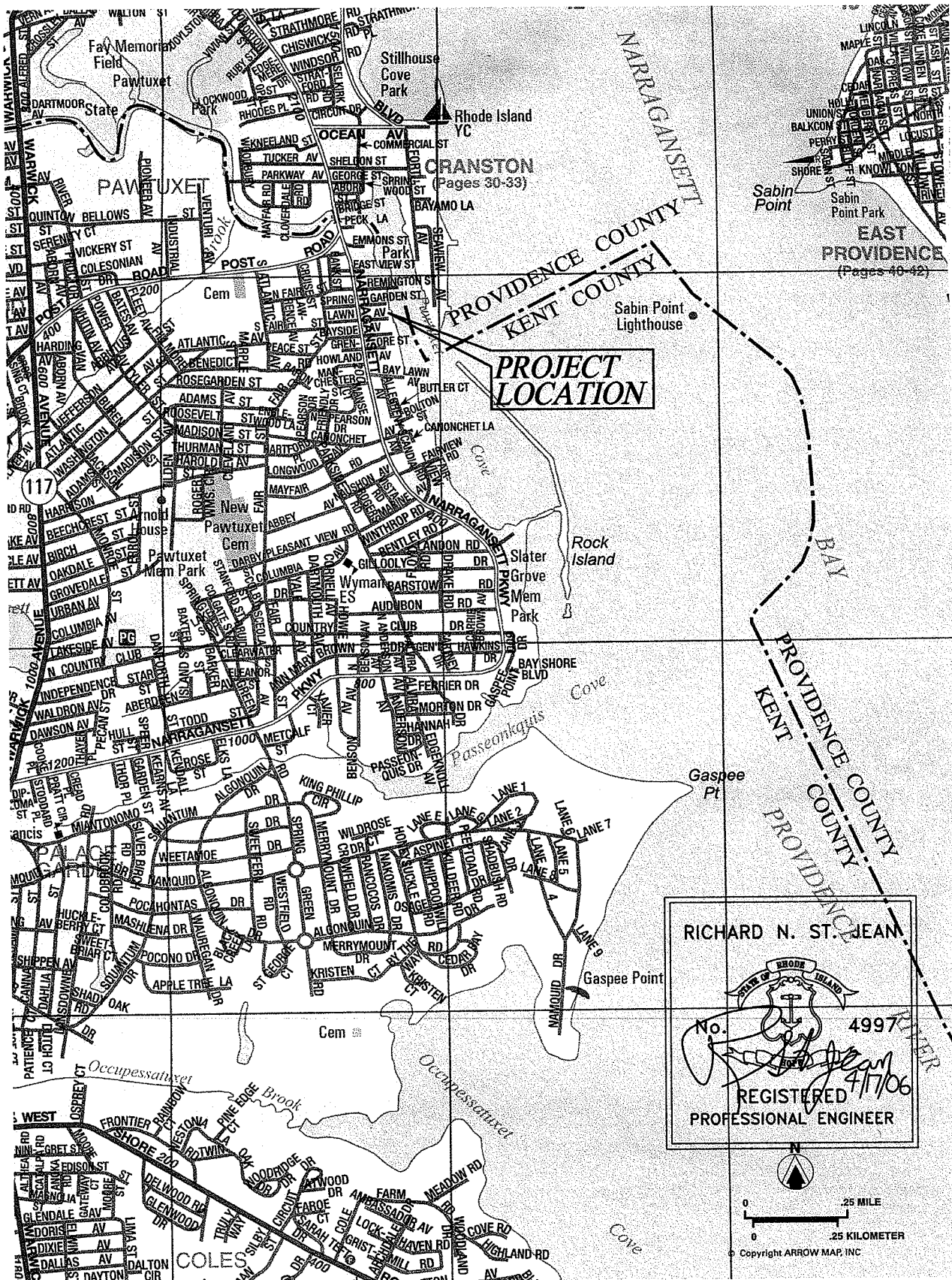
Estuaries Tables

S = The EFH designation for this species includes the seawater salinity zone of this bay or estuary (salinity > or = 25.0%).

M = The EFH designation for this species includes the mixing water/ brackish salinity zone of this bay or estuary ($0.5\% < \text{salinity} < 25.0\%$).

F = The EFH designation for this species includes the tidal freshwater salinity zone of this bay or estuary ($0.0\% < \text{or} = \text{salinity} < \text{or} = 0.5\%$).

n/a = The species does not have this lifestage in its life history (dogfish/ redfish), or has no EFH designation for this lifestage (squids, surf clam, ocean quahog). With regard to the squids, the surf clam, and the ocean quahog, juvenile corresponds with pre-recruits, and adult corresponds with recruits in these species' life histories.



RICHARD N. ST. JEAN

No. 4997

REGISTERED PROFESSIONAL ENGINEER

4/17/06

ST. JEAN ENGINEERING, LLC

Civil and Structural Engineering
1145 Middle Road East Greenwich, RI 02818
Tel/Fax: (401)398-0999

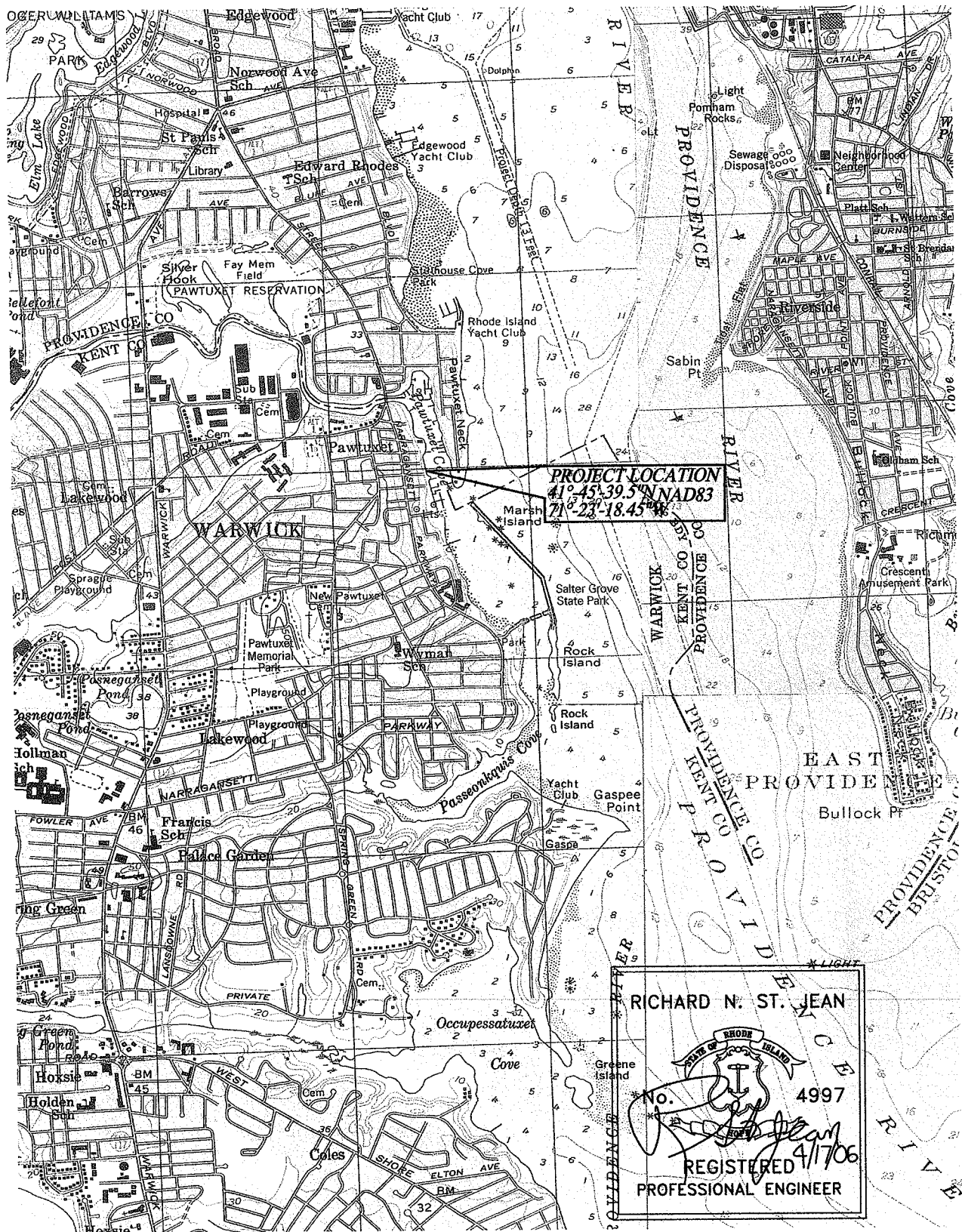
7 LAWN AVENUE, WARWICK, RHODE ISLAND
LOCUS MAP

LOCATION:
7 LAWN AVENUE
FLAT NO. 292, LOT 315
WARWICK, RI 02888

APPLICATION BY:
SHANNON & KATHY TILLMAN
7 LAWN AVENUE
WARWICK, RHODE ISLAND 02888

DATE
April 17, 2006

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ST. JEAN ENGINEERING, LLC

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1145 Middle Road East Greenwich, RI 02818
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7 LAWN AVENUE, WARWICK, RHODE ISLAND
USGS Map Sections: Providence, East Providence, Bristol
and East Greenwich Quadrangles

LOCATION:
7 LAWN AVENUE
PLAT NO. 292, LOT 315
WARWICK, RI 02888

APPLICATION BY:
SHANNON & KATHY TILLMAN
7 LAWN AVENUE
WARWICK, RHODE ISLAND 02888

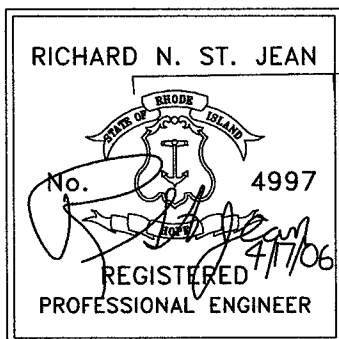
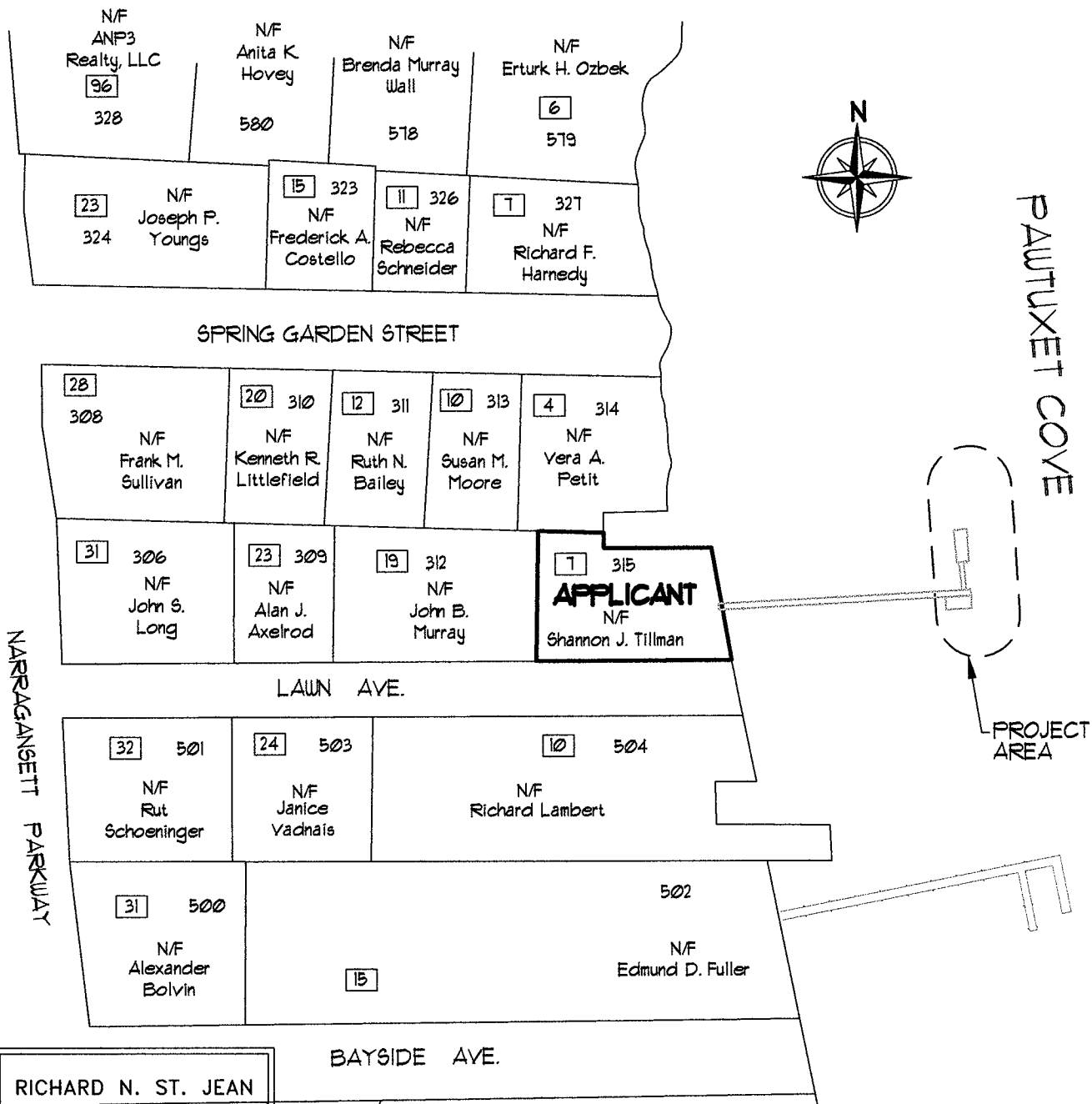
DATE
APRIL 17, 2006

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RICHARD N. ST. JEAN



No. 4997
REGISTERED 4/1/06
PROFESSIONAL ENGINEER



NOTE:

1. ALL LOTS SHOWN ARE A PORTION OF CITY OF WARWICK ASSESSORS MAP 292

ST. JEAN ENGINEERING, LLC

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1145 Middle Road East Greenwich, RI 02818
Tel/Fax: (401)398-0999

7 LAWN AVE., WARWICK, RHODE ISLAND
ABUTTERS PLAN

LOCATION:
7 LAWN AVENUE
PLAT NO. 292, LOT 315
WARWICK, RI 02888

APPLICATION BY:
SHANNON & KATHY TILLMAN
7 LAWN AVENUE
WARWICK, RHODE ISLAND 02888

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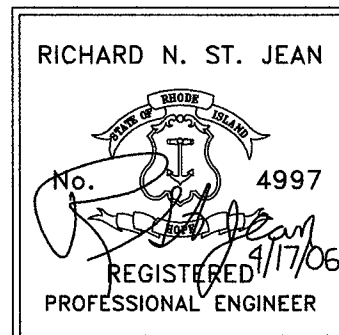
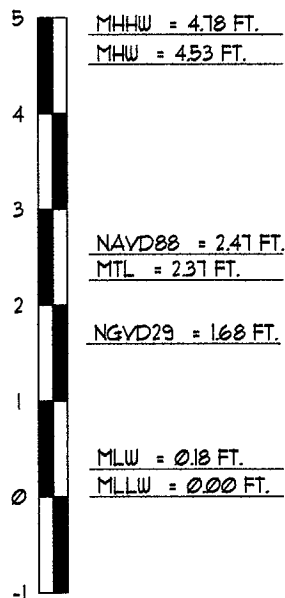
LEGEND

	PROPERTY LINE		EXISTING SPOT GRADE
	EXISTING CONTOUR		PROPOSED SPOT GRADE
	PROPOSED CONTOUR		PROPOSED BULKHEAD
	EXISTING SEWER		EXISTING STONE WALL
	PROPOSED SEWER		EXISTING FENCE LINE
	EXISTING WATER LINE		BORING
	PROPOSED WATER LINE		FLOOD ZONE BOUNDARY
	EXISTING DRAINAGE LINE		EXISTING HYDRANT
	PROPOSED DRAINAGE LINE		EXISTING POLE
	EXISTING SEWER MANHOLE		EXISTING SLOPE
	EXISTING DRAINAGE MANHOLE		SHORE LINE
	PROPOSED MANHOLE		IRON PIPE FOUND
	EXISTING TREE LINE		STONES/BOULDERS
	EXISTING BUILDING		
	PROPOSED BUILDING		

ABBREVIATIONS

N. I. C.	NOT IN CONTRACT
U. O. N.	UNLESS OTHERWISE NOTED
N. T. S.	NOT TO SCALE
I. A. W.	IN ACCORDANCE WITH
TYP.	TYPICAL
R & D	REMOVE AND DISPOSE
BIT.	BITUMINOUS CONCRETE
N/F	NOW OR FORMERLY
F. F.	FINISH FLOOR
T. O. F.	TOP OF FOUNDATION
M. P. L.	MARINA PERIMETER LINE
S. J. E.	ST. JEAN ENGINEERING, LLC
S. F.	SQUARE FOOT
A. P.	ASSESSORS PLAT
EXTG.	EXISTING
SMH	SEWER MANHOLE
DMH	WATER MANHOLE
MIN.	MINIMUM

INFORMATION FOR TIDAL BENCHMARK NOS 845 3167 B
LOCATION: SET IN THE TOP OF A CONC. SEAWALL WALL AT
SOUTH SIDE OF THE ASPREY BOAT HOUSE.



DATUM INFORMATION

ST. JEAN ENGINEERING, LLC

Civil and Structural Engineering
1145 Middle Road East Greenwich, RI 02818
Tel/Fax: (401)398-0999

DREDGE APPLICATION
7 LAWN AVENUE, WARWICK, RHODE ISLAND
LEGEND & ABBREVIATIONS

LOCATION:
7 LAWN AVENUE
PLAT NO. 292, LOT 315
WARWICK, RI 02888

APPLICATION BY:
SHANNON & KATHY TILLMAN
7 LAWN AVENUE
WARWICK, RHODE ISLAND 02888

DATE
April 17, 2006

SHEET OF
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GENERAL NOTES:

1. LAND SIDE TOPOGRAPHY, STREET LINE, LOT LINE, AND BUILDING LOCATION WAS OBTAINED FROM THE CITY OF CRANSTON G.I.S. DATA AND IS PROVIDED FOR REFERENCE ONLY TO ILLUSTRATE THE APPROXIMATE GRADE OF THE SURROUNDING LAND AND LOCATION OF STRUCTURES. SOUNDING WERE OBTAINED BY A HYDROSURVEY PERFORMED BY BOURNE CONSULTING ENGINEERING IN MAY 2003 AND HYDRODATA IN DECEMBER OF 2003. PROPERTY LINES WERE DEVELOPED BASED ON RESEARCH IN THE LAND EVIDENCE AND CITY ASSESSORS RECORDS AND SHOULD NOT BE CONSTRUED AS A PROPERTY SURVEY.

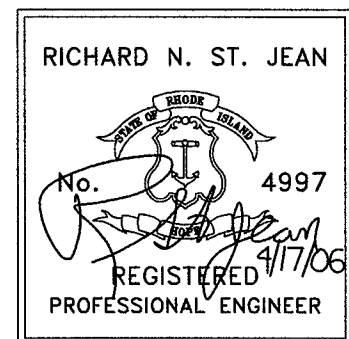
2. ALL ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW) UNLESS OTHERWISE NOTED. LANDSIDE CONTOURS FROM CITY OF CRANSTON GIS ADJUSTED BY 229 FT. TO CORRESPOND TO MLW. SHOWN FOR REFERENCE ONLY.

3. UNDERGROUND UTILITIES ARE SHOWN IN APPROXIMATED LOCATION AS OBTAINED FROM AVAILABLE PLANS, IT IS THE CONTRACTORS SOLE RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES, GRADES AND DIMENSIONS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY DIG SAFE AND VERIFY EXACT LOCATION OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO START OF CONSTRUCTION.

4. ALL WORK SHALL BE IN ACCORDANCE WITH LOCAL, STATE, FEDERAL, AND UTILITY COMPANY REQUIREMENTS.

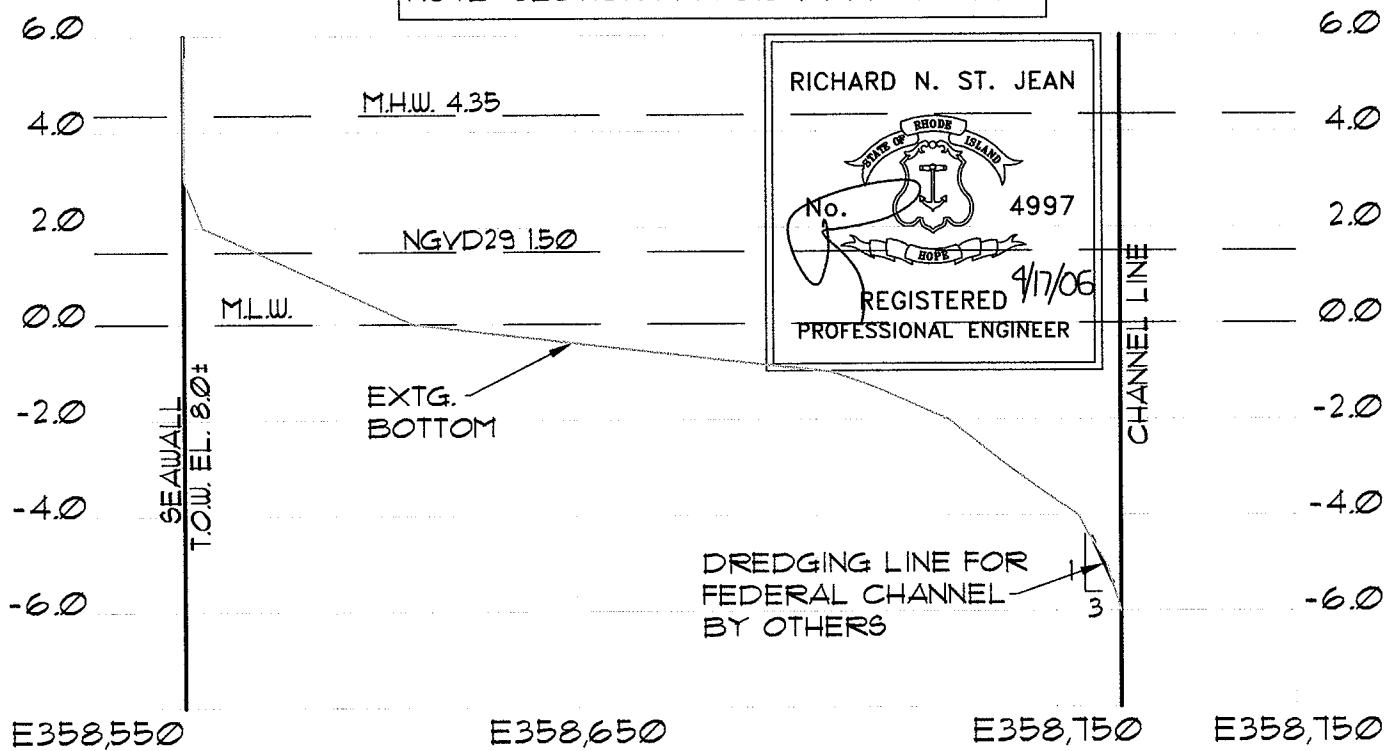
5. THE CONTRACTOR SHALL PROVIDE THE ENGINEER AND OWNER WITH AS-BUILT DRAWINGS SHOWING THE ACTUAL DEPTH OF FINAL DREDGING PERFORMED UNDER THIS CONTRACT UPON COMPLETION OF THE PROJECT.

REVIEW OF THE FLOOD INSURANCE RATE MAP FOR THE CITY OF WARWICK, RHODE ISLAND, KENT COUNTY, COMMUNITY PANEL NUMBER 445409 0003 E REVISED JUNE 16, 1992 INDICATES THAT THE DOCK IS LOCATED IN AN AE ZONE WITH A BASE FLOOD ELEVATION OF 17 M.S.L. THE FIRM MAP IS REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.

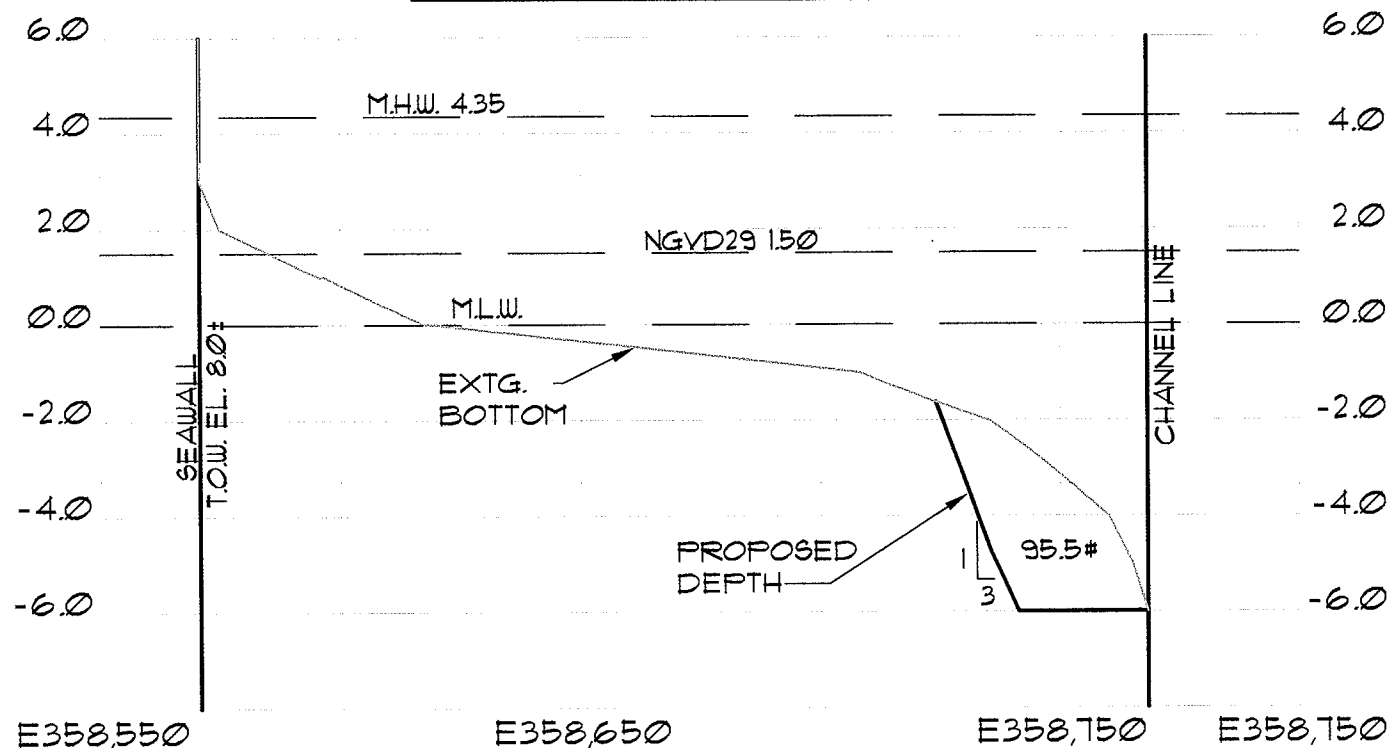


ST. JEAN ENGINEERING, LLC <i>Civil and Structural Engineering</i> 1145 Middle Road East Greenwich, RI 02818 Tel/Fax: (401)398-0999	DREDGE APPLICATION 7 LAWN AVENUE, WARWICK, RHODE ISLAND GENERAL NOTES LOCATION: 7 LAWN AVENUE PLAT NO. 292, LOT 315 WARWICK, RI 02888	DATE April 17, 2006 SHEET OF 5 10
	APPLICATION BY: SHANNON & KATHY TILLMAN 7 LAWN AVENUE WARWICK, RHODE ISLAND 02888	

NOTE: SECTION A-A 0.0 DREDGE AREA



SECTION A-A - N247.020



DATUM: MLLW
MEAN TIDE RANGE = 4.35'

SECTION B-B - N247.000

SCALE: 1" = 40ft. HORIZ.
1" = 4' VERT.

ST. JEAN ENGINEERING, LLC

7 LAWN AVENUE
CROSS SECTIONS

DATE

April 17, 2006

Civil and Structural Engineering
1145 Middle Road East Greenwich, RI 02818
Tel/Fax: (401)398-0999

LOCATION:

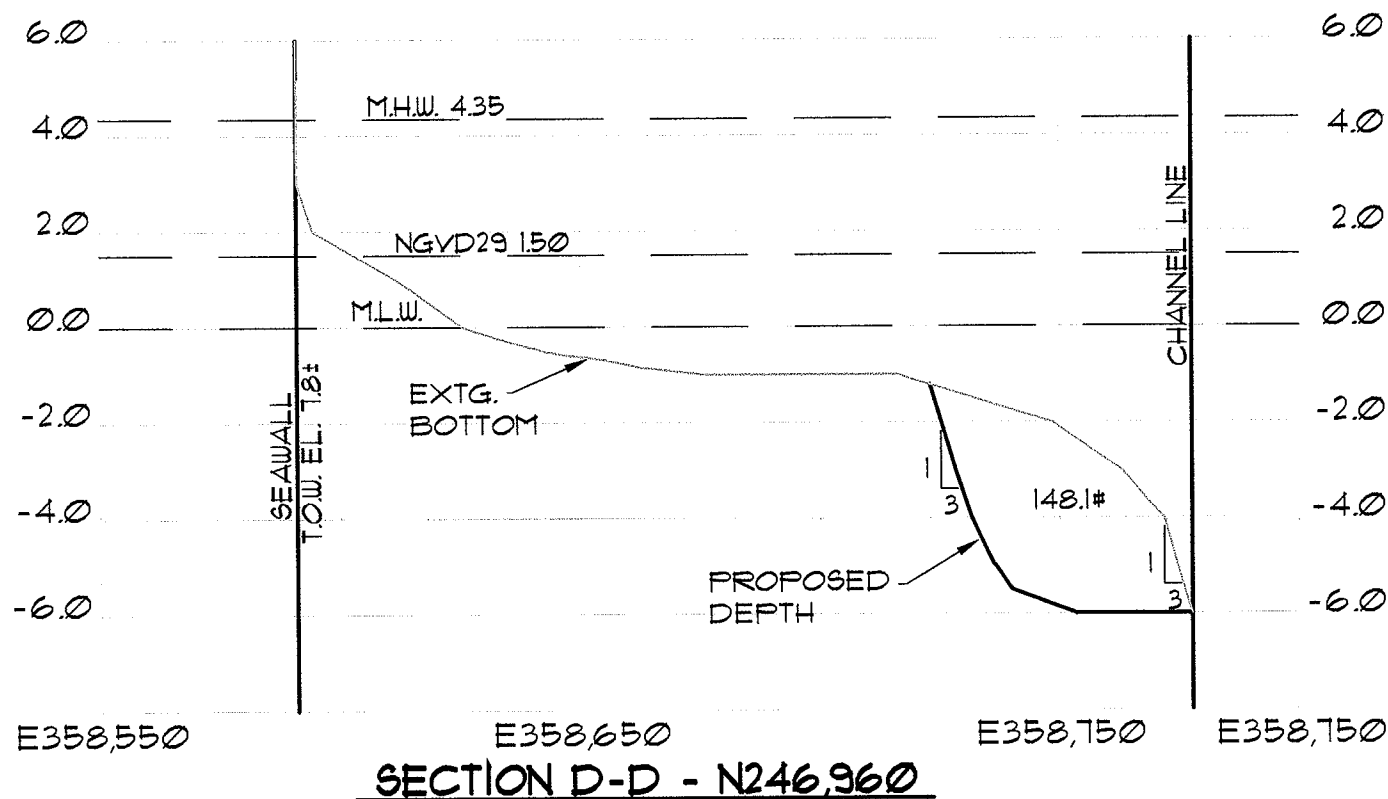
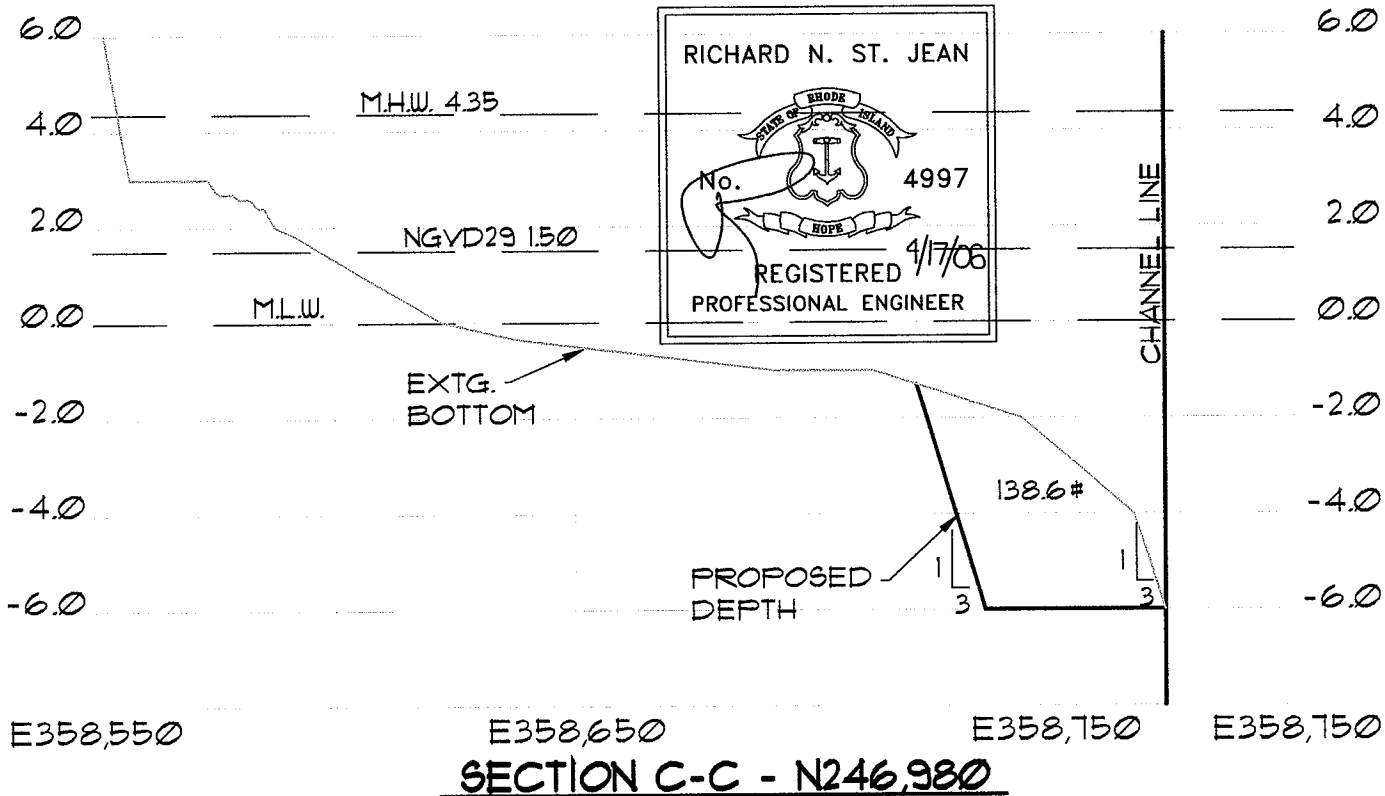
7 LAWN AVENUE
PLAT NO. 292, LOT 315
WARWICK, RI 02888

APPLICATION BY:

SHANNON & KATHY TILLMAN
7 LAWN AVENUE
WARWICK, RHODE ISLAND 02888

SHEET OF

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DATUM: MLLW
MEAN TIDE RANGE = 4.35'

SCALE: 1" = 40ft. HORIZ.
1" = 4' VERT.

ST. JEAN ENGINEERING, LLC

7 LAWN AVENUE
CROSS SECTIONS

DATE

April 17, 2006

Civil and Structural Engineering
1145 Middle Road East Greenwich, RI 02818
Tel/Fax: (401)398-0999

LOCATION:

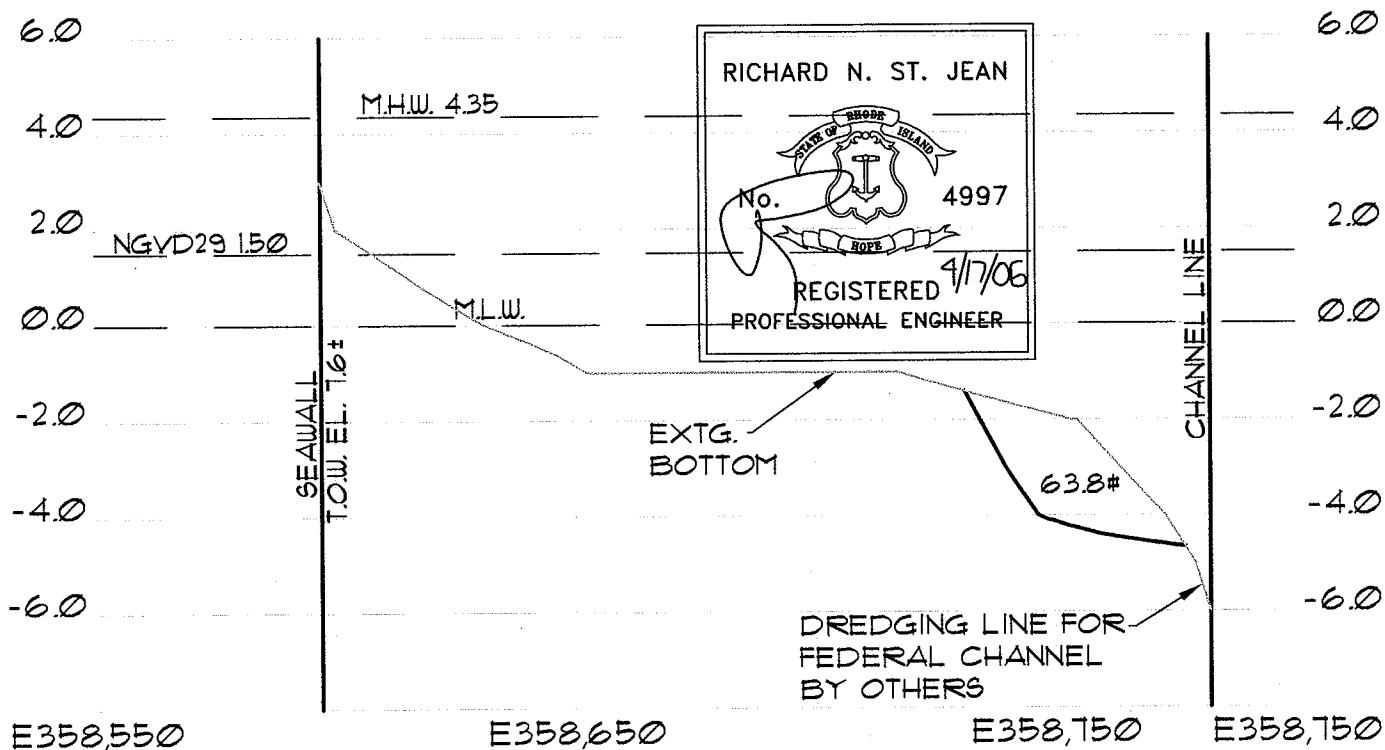
7 LAWN AVENUE
FLAT NO. 292, LOT 315
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APPLICATION BY:

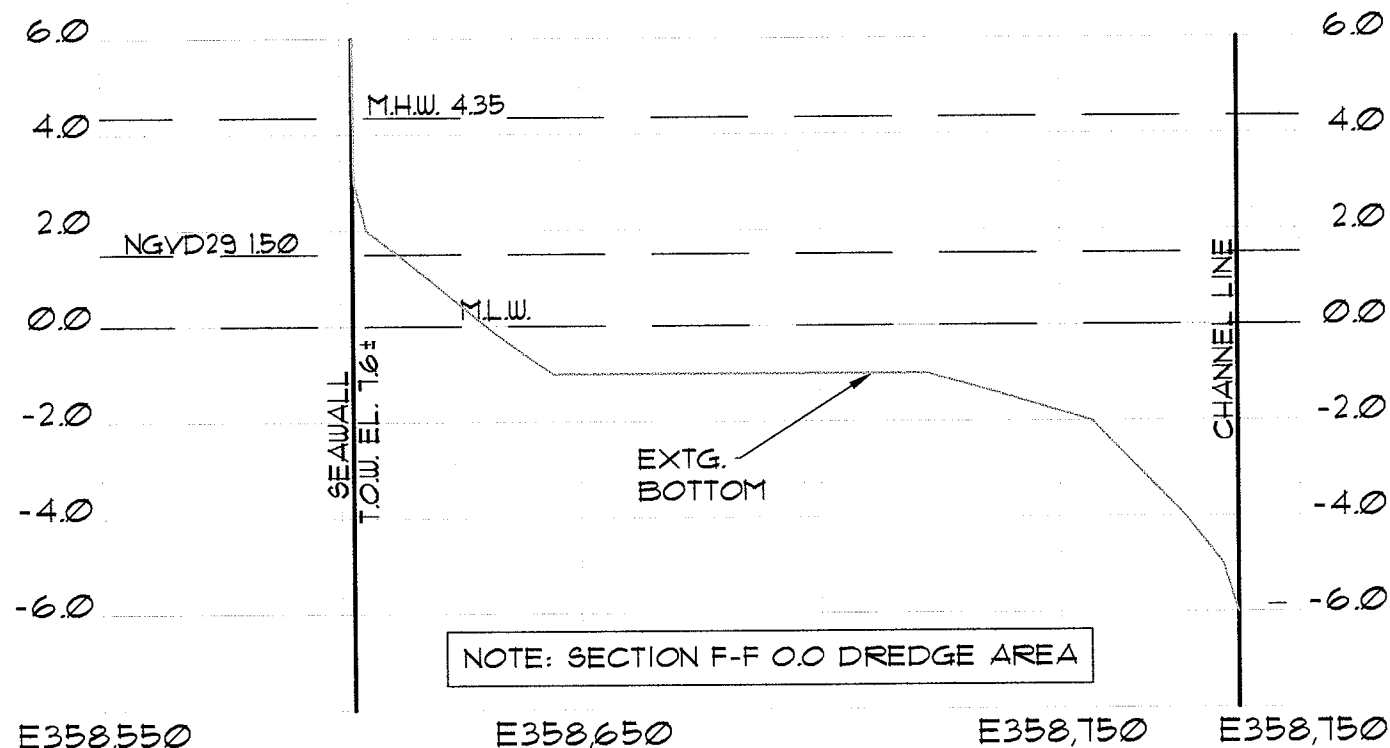
SHANNON & KATHY TILLMAN
7 LAWN AVENUE
WARWICK, RHODE ISLAND 02888

SHEET OF

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SECTION E-E - N246,940



NOTE: SECTION F-F 0.0 DREDGE AREA

DATUM: MLLW
MEAN TIDE RANGE = 4.35'

SECTION F-F - N246,920

SCALE: 1" = 40ft. HORIZ.
1" = 4' VERT.

ST. JEAN ENGINEERING, LLC

7 LAWN AVENUE
CROSS SECTIONS

DATE

April 17, 2006

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